

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SPRINT SPECTRUM L.P.,)
v. Plaintiff,) **Civil Action No. 04-CV11865-JLT**
CITY OF GLOUCESTER, et al.)
Defendants.)

)

PLAINTIFF'S RESPONSE TO DISCOVERY ORDER

Sprint Spectrum L.P. (“Sprint PCS”) submits the following in accordance with the Discovery Order, dated November 3, 2004, and Local Rules 26.2(A) and 26.1(B):

1. Documents and Tangible Things

Sprint PCS is in possession of numerous documents relevant to the disputed facts alleged with particularity in the Complaint. Unless otherwise privileged, each of these documents is available to the City of Gloucester (“City”) for review and copying at Brown Rudnick Berlack Israels LLP, One Financial Center, Boston. The categories of documents available for the City’s review include: a) Sprint PCS’s application materials; b) Sprint PCS’s communications with the City regarding its application; c) Radio Frequency (“RF”) data reflecting Sprint PCS’s existing coverage in the 50 New Way Lane area; d) Sprint PCS’s valuation study; e) documents maintained by Sprint PCS’s agent TerraSearch, LLC; and f) documents concerning Verizon’s application to construct a neighboring personal wireless service facility. In furtherance of its expert disclosure requirements, Sprint PCS shall also make available its projections for the expected minutes of use at the proposed site and the data supporting those projections.

2. Local Rule 26.1(B) Statement

Sprint PCS's Local Rule 26.1 (B) Statement is attached hereto as Exhibit A, and, among other things, identifies the individuals likely to have discoverable information relevant to the disputed facts alleged with particularity in the Complaint.

3. Persons to be Deposed

In addition to the City Council members identified by the City of Gloucester in *Defendant's Response to Discovery Order*, Sprint PCS may depose the following persons:

1. Robert Wenstrup, Ph.D., Wenstrup Consulting, 11 Morrill Drive Wayland, MA 01778-4709;
2. Gaetano LoGrande, 54 New Way Lane, Gloucester, MA 01930;
3. Ann Febiger, 47 Bay Street, Gloucester, MA 01930;
4. John Bell, City Hall, 9 Dale Avenue, Gloucester, MA 01930;
5. David Gilmour, City Hall, 9 Dale Avenue, Gloucester, MA 01930.

SPRINT SPECTRUM L.P.

By its attorneys,

Wayne F. Dennison (BBO #558879)

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Dated: December 3, 2004

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